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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,265	09/17/2003	Michel Lawrence	E14.2P-10817-US02	3406
490	7590	08/25/2005	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,265

Applicant(s)

LAWRENCE ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on April 1, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 17 and 20 are objected to because of the following informalities: In claim 17, diethanolamide is misspelled. In line 3 of claim 20, sequestrant is misspelled.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitation "first and second sequestrants". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, requiring only a composition containing a well-known surfactant, the examiner maintains that a thorough search is impossible. Surfactants such as alkanolamides are extremely common nonionic surfactants for use in detergent compositions. The examiner has taken into consideration the present invention as a whole, in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, will likely not be successful in rendering these claims allowable.

5. Claims 16-21 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Cords et al, US 6,554,005.
6. Cords et al teach a cleaning method for polyethylene terephthalate containers (see abstract). An example of such a composition comprises an alkyl ethoxylated carboxylic acid (meets the ether carboxylate limitation of the present claims), 10% gluconic acid, 8% of a mixture of two phosphonic acid sequestrants, and sodium hydroxide (col. 9, example 2Q). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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7. Claims 1, 5, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weibel, US 6,036,789.

8. Weibel teaches a cleaning composition comprising 0.8% sodium hexyldiphenylether disulfonate (col. 4, comparative example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1, 16, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al, US 6,090,860.

10. Peters et al teach a method of recycling PET containers utilizing a composition comprising sodium hexyldiphenylether disulfonate and Triton H-55, an alkylaryl polyether phosphate ester (col. 13, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

11. Claims 1, 5, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahmed, US 5,972,866.

12. Ahmed teaches a cleaning composition comprising 1% sodium hexyldiphenylether disulfonate (col. 10, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

13. Claims 1-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nosler et al, US 3,625,904.

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14. Nosler et al teach a cleaning composition comprising 8.5% cocodiethanolamide and 30% of a mixture of phosphonates (col. 15, example 13). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

15. Claims 1, 2, 5, 6, 11, 12, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Connor et al, US 4,014,806.

16. Connor et al teach a cleaning composition comprising 2% cocodiethanolamide (col. 7, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

17. Claims 1, 5, 11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruhr et al, US 6,537,960.

Ruhr et al teach an alkaline composition containing a surfactant blend comprising 0.74% polytergent CS-1, a polycarboxylated alcohol ethoxylate for use in clean-in-place applications such as breweries and beverage processing operations (col. 9, example C and col. 2, lines 19-28). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

18. Claims 1, 3-7, 10-12, 16, 18-21, 24, 27-29, and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Rouillard, EP 844,301.

Rouillard teaches an alkaline composition for removing mold from plastic bottles comprising 3% polytergent CS-1, a polycarboxylated alcohol ethoxylate, 3%

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phosphonate sequestrant, 12% phosphate builder, 7% sodium gluconate, and sodium hydroxide (page 5, 6<sup>th</sup> liquid formulation). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1, 5, 11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated Man et al, US 6,838,422.

Man et al teach a plastics compatible detergent comprising hexyl diphenylene oxide disulfonate (col. 15, claim 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

19. Claims 1, 11, 12, 16, 19, 21, 24, 25, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Rossio, 5,223,162.

Rossio teaches a bottle washing composition for polyalkylene terephthalate comprising Triton H-66, an alkylaryl polyether phosphate ester, a phosphate sequestrant, sodium gluconate, and sodium hydroxide (col. 7, example III). Note that sodium decyldiphenyloxide sulfonate is also a suitable surfactant for use in the invention. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cords et al, US 6,554,005.

22. Cords et al are relied upon as set forth above. Suitable surfactants of the invention include decyldiphenyloxide disulfonate and Triton H-66, an alkylaryl polyether phosphate ester (col. 6, lines 14-31). It would have been obvious to one of ordinary skill in the art to include either of these surfactants in example 1A and so meet the material limitations of the claims at hand as such surfactants are taught as suitable in PET cleaning compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Charles I Boyer". The signature is fluid and cursive, with the first name "Charles" and last name "Boyer" clearly distinguishable.

Charles I Boyer  
Primary Examiner  
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